

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No.	SACV 17-00126 AG (KESx)	Date	January 23, 2018
Title	COURTHOUSE NEWS SERVICE v. DAVID YAMASAKI		

Present: The Honorable	ANDREW J. GUILFORD		
Lisa Bredahl	Not Present		
Deputy Clerk	Court Reporter / Recorder	Tape No.	
Attorneys Present for Plaintiffs:	Attorneys Present for Defendants:		

**Proceedings: [IN CHAMBERS] ORDER REGARDING DEFENDANT’S
PENDING MOTION FOR SUMMARY JUDGMENT**

Defendant David Yamasaki has moved for summary judgment against Plaintiff Courthouse News Service (“CNS”). (Dkt. No. 75.) The motion, opposition, and reply papers have all been filed. The Court now addresses other filings relevant to the pending motion.

1. APPLICATIONS TO FILE *AMICI CURIAE* BRIEFS

Two proposed *amici curiae* applications are pending before the Court. One proposed brief, filed on behalf of the Reporters Committee for Freedom of the Press and 15 other media organizations, supports the position of CNS. (Dkt. Nos. 82; *see also* Dkt. No. 41-1.) The other, filed on behalf of the Orange County Bar Association, National Association of Women Lawyers, Family Violence Appellate Project, Legal Aid Society of Orange County, Public Law Center, and Veterans Legal Institute, supports Defendant’s position. (Dkt. No. 105.)

The Court GRANTS both applications under the Court’s “broad discretion to permit individuals or entities to participate in a case as *amici curiae*.” *Ctr. for Biological Diversity v. U.S. Bureau of Land Mgmt.*, 2010 WL 1452863, at *2 (D. Ariz. Apr. 12, 2010). (Dkt. Nos. 82 & 105.)

2. SUPPLEMENTAL BRIEFING

Having reviewed the parties’ filings, the Court ORDERS the parties to submit supplemental briefing as follows.

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Defendant is ORDERED to file **by January 30, 2018** a brief of **no more than 10 pages** addressing the following two questions: (1) What procedures if any were in place at the Orange County Superior Court to protect the privacy interests of litigants before complaints could be filed electronically and until the adoption of the procedure CNS now challenges? (2) What is the legal significance if any of changes in the Orange County Superior Court privacy procedures?

CNS is ORDERED to file **by January 30, 2018** a brief of **no more than 10 pages** addressing the following three questions: (1) Does the public have an interest in receiving information about e-filings of unlimited civil complaints sooner than it does in receiving information under, for example, the California Public Records Act—and if so, why? (2) Putting aside procedural differences between administrative requests for information and the viewing of civil complaints, do the risks that CNS mentions about lacking press coverage of newly filed complaints caused by delayed access also apply to delays in obtaining information through administrative request? (3) If the answer to the second question is “yes,” what justifies treating timely access of civil complaints differently than timely access of information obtained through administrative request?

Defendant and CNS are then each invited to file a brief of **no more than 10 pages** to respond to the points presented by the other’s supplemental briefing. The Court ORDERS that any rebuttal briefing be filed **by February 6, 2018**.

Finally, to give the Court time to review the parties’ supplemental briefing, the Court CONTINUES the hearing on Defendant’s summary judgment motion, currently set for Monday, January 29, 2018 at 10:00 am, to **Wednesday, February 14, 2018 at 10:00 am**.

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